

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

GLORIA KINNEY,

Plaintiff,

vs.

JOHN E. POTTER,
POSTMASTER GENERAL,

Defendant.

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Case No. 3:05cv272

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #38), AND
OVERRULING PLAINTIFF'S OBJECTIONS THERETO (DOC. #40);
PLAINTIFF'S COMPLAINT DISMISSED WITH PREJUDICE AS TO THE
INCIDENTS OF NOVEMBER 21, DECEMBER 1, AND DECEMBER 21,
2001, AND JUNE 4 AND JULY 1, 2002, WITH ALL OTHER CLAIMS
BEING DISMISSED, WITHOUT PREJUDICE, PENDING PLAINTIFF'S
EXHAUSTION OF ADMINISTRATIVE REMEDIES; JUDGMENT TO ENTER
ACCORDINGLY; TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendations filed May 27, 2008 (Doc. #38), as well as upon a thorough *de novo* review of this Court's file and the applicable law, this Court adopts said Report and Recommendations in their entirety, and overrules the Plaintiff's Objections thereto (Doc. #40). The Plaintiff's Complaint is dismissed, with prejudice, as to the incidents of November 21,

December 1 and December 21, 2001, and June 4 and July 1, 2002. All other claims are dismissed, without prejudice, pending Plaintiff's exhaustion of administrative remedies. Judgment will be ordered entered accordingly.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

/s/ Walter Herbert Rice

July 16, 2008

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

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